

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants: Wing K Luk, et al. Examiner: Bernstein, Allison
Serial No.: 10/735,061 Group: 2824
Filed: December 11, 2003 Docket: YOR920030136US1 (8728-621)
For: Gated Diode Memory Cells

Mail Stop Appeal Brief-Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDED APPEAL BRIEF

In response to the Notice of Non-Compliant Appeal Brief dated February 27, 2009, an amended "Status of Claims" section is attached hereto. Please replace page 3 of the Appeal Brief, including the "Status of Claims" section, with the attached replacement sheet. The Status of Claims section includes a listing of the canceled claims and is believed to be in compliance with 37 CFR 41.37.

Early and favorable consideration of the Appeal Brief is respectfully requested.

Respectfully Submitted,

Date: March 4, 2009

By: /Nathaniel T. Wallace/
Nathaniel T. Wallace
Reg. No. 48,909
Attorney for Appellants

F. CHAU & ASSOCIATES, LLP

130 Woodbury Road
Woodbury, New York 11797
TEL: (516) 692-8888
FAX: (516) 692-8889

I. REAL PARTY IN INTEREST

The real party in interest for the above-identified application is International Business Machines Corporation, the assignee of the entire right, title and interest in and to the subject application by virtue of an assignment of recorded in the U.S. Patent and Trademark Office.

II. RELATED APPEALS AND INTERFERENCES

There are no Appeals or Interferences known to Applicant, Applicant's representatives or the Assignee, which would directly affect or be indirectly affected by or have a bearing on the Board's decision in the pending Appeal.

III. STATUS OF CLAIMS

Claims 1-33, 54, 55, and 58 are pending, of which Claims 11-33, 54, and 55 stand withdrawn. Claims 34-53 and 56-57 have been canceled. Claims 1-10 and 58 stand rejected and are under appeal. The claims are set forth in the attached Appendix.

IV. STATUS OF AMENDMENTS

No After Final Amendments have been filed.